

## **REMARKS**

This Amendment and Response amends claims 1, 31 and 59. With this Amendment and Response, claims 1-59 are pending in this application.

### **I. Interview Summary**

First, Applicants would like to thank Examiner Parsley for granting Applicants' request for an interview to discuss the application, the final office action and the prior art references. The interview was held telephonically on January 27, 2005. Claims 1, 31 and 59, and their rejection in light of the Meyn reference (U.S. Patent 5,569,067), were discussed. The claim amendments discussed are those listed in the Interview Summary Form completed by Examiner Parsley. The amendments contained in this Office Action response are identical to those discussed, and to Applicants' understanding agreed-upon, during the January 27, 2005 interview. Applicants argued that Meyn does not teach or suggest the ability to optionally transfer items from the first conveyor to the transfer conveyor, nor does it teach or suggest a system in which items may be discharged from the slot in the transfer conveyor at a rate which is independent from the rate with which items are conveyed through the transfer conveyor. Additionally, Applicants argued that Meyn does not teach or suggest a device in which the discharge means are located at a second opening of a slot in the transfer conveyor at the second station.

### **II. 35 U.S.C. § 102 Rejections**

The Action rejects claims 1-6, 9, 12-13, 15-16, 24-25, 31-36, 41-42, 45-46, 53-54 and 59 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,569,067 to Meyn ("Meyn '067"). Applicants respectfully traverse this rejection and ask that it be withdrawn.

#### **A. Claim 1**

Claim 1 has been amended to disclose supply means for optionally supplying slaughtered animals or parts thereof from the group of slaughtered animals or parts on the first conveyor to the transfer conveyor. Meyn '067 fails to teach or suggest at least this structure recited in amended claim 1.

In the Meyn '067 apparatus, the Examiner likens the first conveyor of the present invention to the supply screws 1,2 and slot 3 of Meyn '067. Thus, the first conveyor is comprised of two cooperating supply screws 1,2 positioned alongside each other forming a slot 3 therebetween. Meyn '067, col. 4, lines 2-5. The supply screws 1,2 meet the transfer conveyor (encompassing Meyn items 5, 7-10) at the end of the first conveyor. At this point, the entrails packages are received by a slot 5 of Meyn '067 and are transported through the device for separation. Each entrails package that has been inserted into the first conveyor of Meyn '067 will eventually be supplied to the slot and/or transfer conveyor. Once an entrails package has been inserted into the supply means, its fate is decided- there is no other option than entering the slot and transfer conveyor.

In contrast, the supply means of the present invention may optionally supply slaughtered animals or parts from the first conveyor to the transfer conveyor. In other words, it can control which slaughtered animals or parts thereof from the group of slaughtered animals or parts on the first conveyor are supplied to the transfer conveyor and which slaughtered animals or parts thereof from the group of slaughtered animals or parts on the first conveyor are not supplied to the transfer conveyor, and remain on the first conveyor. Thus, even after a slaughtered animal or part thereof, such as an entrails packages, has been placed on or into the first conveyor, the present invention is capable of changing that entrails packages fate by deciding whether to supply it to the transfer conveyor or to allow it to continue on the first conveyor.

In the Actions' "Response to Arguments" section, Examiner states that Meyn discloses a supply means which controls which slaughtered animals or parts thereof are supplied into the slot and which parts are not supplied into the slot, providing that supply means at 6, 11, 16 is adapted to "place the part of the slaughtered animal in a particular position with respect to the first station with the gizzard located above item 6 and the rest of the entrails package located below item 6, thereby controlling which portion of the slaughtered animal is received in the slot." Action, p. 14. As discussed in the interview on January 27, 2005, the present invention differs in that, rather than controlling the particular part of the slaughtered animal or part thereof that is actually inserted into the slot of the transfer conveyor, the present invention allows control over whether

an entire slaughtered animal or part thereof is transferred, in its entirety or otherwise, to the transfer conveyor for conveyance to the second station.

Meyn '067 fails to teach a first conveyor, a transfer conveyor, and a supply means for optionally supplying slaughtered animals or parts thereof from the group of slaughtered animals or parts on the first conveyor to the transfer conveyor, as recited in amended claim 1. For at least this reason, Applicants respectfully argue that Meyn '067 fails to anticipate or render obvious claim 1, and claim 1 is therefore allowable. Moreover, claims 2-6, 9, 12, 13, 15, 16, 24, and 25 depend from allowable claim 1 and therefore are allowable.

**B. Claim 31**

Claim 31 has been amended to clarify that the discharge means are controlled by discharge-control means to discharge the slaughtered animals or parts from the at least one slot at a controllable rate which is independent from the rate with which slaughtered animals or parts are conveyed by the transfer conveyor. Meyn '067 fails to teach or suggest at least this structure recited in claim 31.

In Meyn '067, entrails packages are supplied to transfer conveyor and move steadily through the device. Although the device may stop or slow, each part of transfer conveyor is moving at the same rate. There is no option to, for example, continue conveying entrails packages, but slow or stop the discharge of entrails packages from the slot 5. In contrast, and as discussed in the interview of January 27, 2005, the present invention allows the continued conveyance of slaughtered animals or parts thereof on the transfer conveyor even when slaughtered animals in the slot are not being discharged. Thus, the slaughtered animals may be discharged from the at least one slot at a rate independent from which slaughtered animals or parts are conveyed by the transfer conveyor.

As stated in the Office Action, the discharge means 25-26 of Meyn '067 are rotatably driven about a vertical axis 7. This axis, and the rotation means, also drive the radial arms 10 which convey the entrails package through slot 5. Therefore, the rate at which the entrails package is conveyed through the slot along the transfer conveyor is necessarily the rate at which the packages are discharged from the Meyn device. For at least this reason, Applicants

respectfully argue that Meyn '067 fails to anticipate or render obvious claim 31, and claim 31 is therefore allowable. Moreover, claims 32-36, 41-42, 45-46 and 53-54 depend from allowable claim 31 and are therefore allowable for at least this reason.

**C. Claim 59**

Claim 59 has been amended to clarify that the discharge means are located at the second opening of the slot at the second station. Meyn '067 fails to teach or suggest at least this structure recited in claim 59.

In Meyn '067, discharge means 25-26 are located approximately half-way along slot 5, approximately half-way between first station 13-17 or 18-19 or 20-21 and second station 23-24, as shown in Figure 1. In contrast, and as discussed in the interview of January 27, 2005, the discharge means of the present invention are located at the second opening of the slot at the second station, near the end of the slot, located at a position at which the slaughtered animal or part thereof has already been conveyed almost of the way along the transfer conveyor. After it is conveyed along the transfer conveyor, the discharge means of the present invention may adopt a first position wherein the slaughtered animal or part thereof is conveyed in the slot toward the second opening, and a second position wherein the slaughtered animal is removed from the slot.

For at least this reason, Applicants respectfully argue that Meyn '067 fails to anticipate or render obvious claim 59, and claim 59 is therefore allowable.

**III. 35 U.S.C. § 103**

**A. Meyn '067 in view of Brakels et al.**

The Action rejects claims 7-8, 18, 21-23, 37-38, 47 and 50-52 under 35 U.S.C. § 103 as being unpatentable over Meyn '067 in view of Brakels et al. Applicants respectfully traverse this rejection and ask that it be withdrawn. Claim 1 has been amended to clarify that the supply means control which slaughtered animals or parts thereof from the group of slaughtered animals or parts on the first conveyor are supplied into the slot and which slaughtered animals or parts thereof from the group of slaughtered animals or parts on the first conveyor are not supplied into the slot. Claims 7-8, 18, and 21-23 are allowable at least because they all depend from allowable

claim 1. Claim 31 has been amended to clarify that the discharge means are controlled by discharge-control means to discharge the slaughtered animals or parts from the at least one slot at a controllable rate which is independent from the rate with which the slaughtered animals or parts are supplied to the at least one slot. Claims 37-38, 47 and 50-52 are allowable at least because they all depend from allowable claim 31.

**B. Meyn '067 in view of Hobbel et al.**

The Action rejects claims 10-13 and 39-42 under 35 U.S.C. § 103 as being unpatentable over Meyn '067 in view of Hobbel et al. Applicants respectfully traverse this rejection and ask that it be withdrawn. Claim 1 has been amended to clarify that the supply means control which slaughtered animals or parts thereof from the group of slaughtered animals or parts on the first conveyor are supplied into the slot and which slaughtered animals or parts thereof from the group of slaughtered animals or parts on the first conveyor are not supplied into the slot. Claims 10-13 are allowable at least by virtue of their dependency from allowable claim 1. Claim 31 has been amended to clarify that the discharge means are controlled by discharge-control means to discharge the slaughtered animals or parts from the at least one slot at a controllable rate which is independent from the rate with which the slaughtered animals or parts are supplied to the at least one slot. Claims 39-42 are allowable at least because they depend from allowable claim 31.

**C. Meyn '067 in view of Hobbel et al. and further in view of Bos et al.**

The Action rejects claims 14 and 43 under 35 U.S.C. § 103 as being unpatentable over Meyn '067 in view of Hobbel et al. and further in view of Bos et al. Applicants respectfully traverse this rejection and ask that it be withdrawn. Claim 1 has been amended to clarify that the supply means control which slaughtered animals or parts thereof from the group of slaughtered animals or parts on the first conveyor are supplied into the slot and which slaughtered animals or parts thereof from the group of slaughtered animals or parts on the first conveyor are not supplied into the slot. At least because claim 14 depends from allowable claim 1, it too is allowable. Claim 31 has been amended to clarify that the discharge means are controlled by discharge-control means to discharge the slaughtered animals or parts from the at least one slot at a controllable rate which is independent from the rate with which the slaughtered animals or

parts are supplied to the at least one slot. Claim 43 is allowable at least by virtue of its dependency on allowable claim 31.

**D. Meyn '067 in view of Bos et al.**

The Action rejects claims 17 and 46 under 35 U.S.C. § 103 as being unpatentable over Meyn '067 in view of Bos et al. Applicants respectfully traverse this rejection and ask that it be withdrawn. Claim 1 has been amended to clarify that the supply means control which slaughtered animals or parts thereof from the group of slaughtered animals or parts on the first conveyor are supplied into the slot and which slaughtered animals or parts thereof from the group of slaughtered animals or parts on the first conveyor are not supplied into the slot. Claim 17 is allowable at least by virtue of its dependency from allowable claim 1. Claim 31 has been amended to clarify that the discharge means are controlled by discharge-control means to discharge the slaughtered animals or parts from the at least one slot at a controllable rate which is independent from the rate with which the slaughtered animals or parts are supplied to the at least one slot. Claim 46 is allowable at least because of its dependency on allowable claim 31.

**E. Meyn '067 in view of Brakels et al. and further in view of Meyn '472**

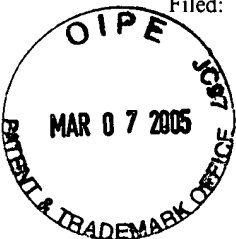
The Action rejects claims 19-20 and 48-49 under 35 U.S.C. § 103 as being unpatentable over Meyn '067 in view of Brakels et al. and further in view of Meyn '472. Applicants respectfully traverse this rejection and ask that it be withdrawn. Claim 1 has been amended to clarify that the supply means control which slaughtered animals or parts thereof from the group of slaughtered animals or parts on the first conveyor are supplied into the slot and which slaughtered animals or parts thereof from the group of slaughtered animals or parts on the first conveyor are not supplied into the slot. Claims 19 and 20 are allowable at least by virtue of their dependency from allowable claim 1. Claim 31 has been amended to clarify that the discharge means are controlled by discharge-control means to discharge the slaughtered animals or parts from the at least one slot at a controllable rate which is independent from the rate with which the slaughtered animals or parts are supplied to the at least one slot. Claims 48-49 are allowable at least because of their dependency on allowable claim 31.

**F. Meyn '067 in view of Meyn '472**

The Action rejects claims 26-29 and 55-58 under 35 U.S.C. § 103 as being unpatentable over Meyn '067 in view of Meyn '472. Applicants respectfully traverse this rejection and ask that it be withdrawn. Claim 1 has been amended to clarify that the supply means control which slaughtered animals or parts thereof from the group of slaughtered animals or parts on the first conveyor are supplied into the slot and which slaughtered animals or parts thereof from the group of slaughtered animals or parts on the first conveyor are not supplied into the slot. Claims 26-29 depend from allowable claim 1 and therefore are allowable for at least this reason. Claim 31 has been amended to clarify that the discharge means are controlled by discharge-control means to discharge the slaughtered animals or parts from the at least one slot at a controllable rate which is independent from the rate with which the slaughtered animals or parts are supplied to the at least one slot. Claims 55-58 are allowable at least by virtue of their dependency from allowable claim 31.

**G. Meyn '067 in view of Meyn '472 and further in view of Hobbel et al.**

The Action rejects claim 30 under 35 U.S.C. §103 as being unpatentable over Meyn '067 in view of Meyn '472 and further in view of Hobbel et al. Applicants respectfully traverse this rejection and ask that it be withdrawn. Claim 1 has been amended to clarify that the supply means control which slaughtered animals or parts thereof from the group of slaughtered animals or parts on the first conveyor are supplied into the slot and which slaughtered animals or parts thereof from the group of slaughtered animals or parts on the first conveyor are not supplied into the slot. Claim 30 is allowable at least by virtue of its dependency from claim 1.



### PETITION FOR ONE-MONTH TIME EXTENSION

To the extent necessary, under 37 C.F.R. § 1.136(a) (1998) assignee hereby petitions that the period for responding to the Examiner's Action mailed on November 4, 2004 be extended for one month, up to and including March 4, 2005. Enclosed is a check in the amount of \$150 to cover the appropriate fee for this extension under 37 C.F.R. § 1.17.

The PRO did not receive the following listed item(s) <u>but we got a check for \$150.00</u>
The PRO did not receive the following listed item(s)



**CONCLUSION**

Applicants respectfully submit that claims 1-59 are in condition for immediate allowance, and request early notification to that effect.

Respectfully submitted,



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